



Michael C. Frue
County Attorney
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Associate County Attorney

September 20, 2011

Received & Inspected

SEP 26 2011

FCC Mail Room

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: PCIA Comments
WC Docket No. 11-59

Dear Madam:

I am the County Attorney for Buncombe County, North Carolina. It has come to my attention that PCIA-The Wireless Infrastructure Association has made the allegation in this proceeding that the County has "ruled out wireless facilities entirely" with a "codified blanket ban". As the chief legal officer for the County I want to correct the record and advise you that these allegations are not correct. In fact, the County allows new antennas to be collocated on existing towers and buildings in the entire County.

Specifically, at page 32 of its Comments, PCIA says "Wireless facility regulation frequently rules out entirely some types of zoning districts for placement of wireless facilities" (emphasis supplied) and for support cites Exhibit B to its Comments. Part IV of Exhibit B contains a list of communities, including Buncombe County, under the following heading:

"In their attempts to influence the scope and scale of wireless networks and infrastructure within their jurisdiction, local authorities are setting inappropriate and often illegal preferences on the types of wireless facilities that service providers can use and [sic] locating such facilities on municipal property. Jurisdictions that have codified blanket bans across certain zoning districts include:" (emphasis supplied).

Buncombe County is then included on the list that follows of some nineteen communities who are claimed to have "codified blanket bans" or "ruled out wireless facilities entirely".

As inspection of our code shows, in fact there is no such ban or "ruling out of wireless facilities entirely". Buncombe County is located in the heart of the Smokey Mountains and the Blue Ridge Parkway. We have several national and state parks throughout the area and 69 miles of the Blue Ridge Parkway in the County. County officials do want to know where wireless

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companies wish to locate their facilities, but we also understand the problems these companies
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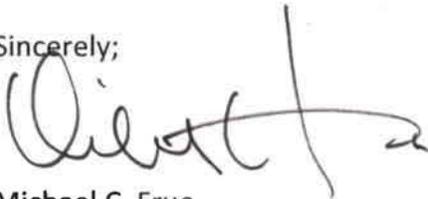
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encounter in trying to provide wireless coverage in mountainous areas and for that reason we encourage them to expand their networks.

Thus, the allegation that the County has a "codified blanket ban" on cell towers or antennas or "ruled out wireless facilities entirely" is incorrect. In fact, the County encourages the provision of wireless services to its residents and has tailored its County Code to meet the actual conditions within the County. We are uncertain why PCIA has chosen to list Buncombe County in their filings, but suspect that they did not expect us to respond, especially in light of the fact that PCIA did not contact us about this issue, did not provide us with a copy of their filing nor has PCIA ever contacted the County about any matters.

Please feel free to contact me should you have any questions.

Sincerely;

A handwritten signature in black ink, appearing to read "Michael C. Frue". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael C. Frue

cc: Wanda Greene, County Manager

